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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,484	03/30/2001	Jay H. Connelly	42390P10858	5737

8791 7590 03/22/2007
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EXAMINER

TRAN, HAI V

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/823,484

Applicant(s)

CONNELLY, JAY H.

Examiner

Hai Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/27/2006 has been entered.

Response to Arguments

Applicant's arguments filed 12/27/2006 have been fully considered but they are not persuasive.

Applicant's amendment of claims 1, 15, and 25 is noted; however Applicant's argument (page 16, 2nd paragraph), "...Therefore, although the hyperlink is provided by the Internet service provider, as recited by amended Claims 1, 15 and 25, the broadcast service system and the service provider system are prohibited from being part of the same overall head end server since, as recited by amended Claims 1, 15 and 25, the broadcast service system is separate from the service provider system" is moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4, 6-8, 11-26, 28-29, and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman et al. (US 6298482) in view of Brunheroto et al. (US 2002/0087969) and further in view of Hite et al. (US 6002393).

Claim 1, Seidman discloses a method, comprising:

Broadcasting meta-data to one or more client systems (Col. 7, lines 34-40, Col. 8, lines 16-35), including descriptions of a plurality of available for broadcast data files from a broadcast server of a service provider system and a second plurality of upcoming data files to be broadcast to the one or more client system by a broadcast server of a broadcast service system (Col. 5, lines 13-32; Col. 7, lines 39-55, data describing programming data, Col. 9, lines 20-40, plurality of program segments for viewing);

Rating the plurality of available for broadcast data files and the plurality of upcoming data files (Col. 6, lines 25-52; Col. 7, lines 63-67; Col. 8, lines 1-11, user ratings and profile of different shows); and

Broadcasting, by the broadcast server of the service provider system according to the rating a plurality of data files to enable a user to navigate the

concurrently transmitted customized digital stream (Col. 3, lines 55-67; Col. 8, lines 20-50; Col. 9, lines 45-67; Col. 10, lines 1-6).

Seidman does not clearly disclose “a broadcast server of a broadcast service system that is separate from the service provider system” and “at least one available for broadcast data file for selective storage within the one or more client systems according to respective content rating tables of the one or more client systems and prior to broadcast of at least one of the plurality of upcoming data files by the broadcast server of the broadcast service system”.

Brunheroto discloses an architecture of an interactive TV audience estimation and program rating in which a global tracking unit 107 is linked to a Web server 106 (Service provider system) is separate from the Interactive TV content creation 111 and the TV broadcast station 112 (a broadcast server of a broadcast service system), as shown in Fig. 1. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman with Brunheroto's interactive TV tracking architecture so that global tracking unit 107 able to determine how many people are enjoying the enhanced TV mode and showing interest in some products, even purchasing these products on the TV screen on a real-time basis based on the hyperlinked activity which is concurrent with viewer interests on the video presentation (see page 3, §0027).

Hite discloses disclose “at least one available for broadcast data file for selective storage within the one or more client systems according to respective content rating tables of the one or more client systems and prior to broadcast of at

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least one of plurality of upcoming data files by the broadcast service system" (Col. 12, lines 13-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman in view of Brunheroto to record at least one TV program, i.e., targeting commercials, on the user receiver, as taught by Brown so the targeted commercials are available at the moment needed without concern for the timing on the other channels (see Col. 12, lines 25-28).

Regarding Claim 4, Seidman shows that a variety of hyperlinks are sent to the user then the user selects the hyperlink, effectively sending the meta-data (col. 7 lines 28-38, col. 8 lines 19-45, selection of hyperlink sends user relevant metadata, hyperlink is effectively scheduling the display of data).

Claim 6, Seidman shows a method, comprising

Receiving meta-data, the meta-data including descriptions of a plurality of available for broadcast data files from broadcast server of a service provider system and a plurality of upcoming data files to be broadcast by a broadcast server of a broadcast service provider system service system (Col. 5, lines 13-32; Col. 7, lines 39-55, data describing programming data, Col. 9, lines 20-40, plurality of program segments for viewing);

Rating, in response to a content rating table, at least one of the plurality of available for broadcast and upcoming data files described by the meta-data, the

content rating table generated responsive to a user (Col. 6, lines 25-52; Col. 7, lines 63-67; Col. 8, lines 1-11, user ratings and profile of different shows);

Receiving at least one of an upcoming data file broadcast by the service provider system and an available for broadcast data files broadcast by the broadcast service system (Col. 3, lines 55-67; Col. 8, lines 20-50; Col. 9, lines 45-67; Col. 10, lines 1-6); and

Seidman does not clearly disclose "a broadcast server of a broadcast service system that is separate from the service provider system" and "Storing, based on the content rating table, one of the received available for broadcast data file broadcast by the broadcast server of the broadcast service system and the received upcoming data files broadcast by the broadcast server of the service provider system."

Brunheroto discloses an architecture of an interactive TV audience estimation and program rating in which a global tracking unit 107 is linked to a Web server 106 (Service provider system) is separate from the Interactive TV content creation 111 and the TV broadcast station 112 (a broadcast server of a broadcast service system), as shown in Fig. 1. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman with Brunheroto 's interactive TV tracking architecture so that global tracking unit 107 able to determine how many people are enjoying the enhanced TV mode and showing interest in some products, even purchasing these products on the TV

screen on a real-time basis based on the hyperlinked activity which is concurrent with viewer interests on the video presentation (see page 3, §0027).

Hite discloses disclose "Storing, based on the content rating table, one of the received available for broadcast data file broadcast by the broadcast server of the broadcast service system and the received upcoming data files broadcast by the broadcast server of the service provider system" (Col. 12, lines 13-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman in view of Brunheroto to record at least one TV program, i.e., targeting commercials, on the user receiver, as taught by Brown so the targeted commercials are available at the moment needed without concern for the timing on the other channels (see Col. 12, lines 25-28).

Claim 7, Seidman (col. 6, lines 40-67, sending user history and preferences to head end) in view of Brunheroto (Fig. 1 and Fig. 3) and Hite shows transmitting the user ratings to the service provider

Claim 8, Seidman (Col. 5, lines 13-22; Col. 6, lines 65-67; Col. 9, lines 45-67; Col. 10, lines 1-6) in view of Brunheroto (Fig. 1 and 2) and Hite discloses broadcasting a service provider broadcast schedule of the subset of the plurality of available data files prior to broadcasting the subset of the plurality of available for broadcast data files to enable storage thereof by the one or more client systems; Seidman in view of Brunheroto (Fig. 1 and 2) and Hite further shows that a variety of

hyperlinks are sent to the user, then the user selects the hyperlink, effectively sending the meta-data (Seidman col. 7 lines 28-38, col. 8 lines 19-45, selection of hyperlink sends user relevant metadata, hyperlink is effectively scheduling the display of data). Seidman further shows a (program menu" and additional data pertaining to broadcast times (col. 5 lines 13-22, col. 6 lines 65-67).

Claim 11, Seidman (col. 9 lines 45-67, storing overlapping segments. Although not specifically stated it is nonetheless inherent that the STB uses memory, or a digital disk to store this data) in view of Brunheroto and Hite (Fig. 5, el. 551; Col. 11, lines 40-Col. 12, lines 28) further shows storing data files in memory for the user's eventual selection.

Claim 12 is analyzed with respect to claim 6.

Claim 13 is analyzed with respect to claim 7.

Claim 14 is analyzed with respect to claim 8.

Claim 15, the apparatus claim is analyzed with respect to the method claim 1 in which limitations "a processor, a communication interface and storage device" are met by Seidman in view of Brunheroto (Fig. 1 and 2) and Hite so to perform as disclosed.

Claim 16, Seidman in view of Brunheroto and Hite (Fig. 5; Col. 11, lines 45-Col. 12, lines 28) further shows selecting data files from the plurality of upcoming and available for broadcast data files which have higher ratings based on the received ratings;

Claim 17, Seidman (Col. 6, lines 40-67) in view of Brunheroto and Hite further shows receiving rating of the plurality of available for broadcast data files and the plurality of upcoming data files from the one or more client systems;

Seidman in view of Brunheroto and Hite (Fig. 5; Col. 11, lines 45-Col. 12, lines 28) further shows selecting data files from the plurality of upcoming and available for broadcast data files which have higher ratings based on the received ratings;

Seidman (Col. 9, lines 20-45, 57-67; Col 10, lines 1-20, overlapping segments) further shows determining overlapping data files as data files from the selected data files to be broadcast by the broadcast service system; and

Seidman (Col. 9, lines 10-55, displaying the program segment most relative to user interest and suppressing additional segments) further shows eliminating, from the selected data files, the overlapping data files to form a subset of the plurality of available for broadcast data files to be broadcast to the one or more client systems by the service provider.

Claim 18, Seidman (Col. 5, lines 13-22; Col. 6, lines 65-67; Col. 9, lines 45-67; Col. 10, lines 1-6) in view of Brunheroto (Fig. 1 and 2) and Hite discloses broadcast schedule of the subset of the plurality of available data files prior to broadcasting the subset of the plurality of available for broadcast data files.

Claim 19, the apparatus claim is analyzed with respect to method claim 6 in which limitations "a processor, a communication interface and storage device" are

inherently met by Seidman in view of Brunheroto (Fig. 1 and 2) and Hite so to perform as disclosed.

Claim 20, Seidman (col. 6, lines 40-67, sending user history and preferences to head end) in view of Brunheroto (Fig. 1 and 3) and Hite shows transmitting the user ratings to the service provider.

Claim 21, the apparatus claim is analyzed with respect to method claim 8.

Claim 22, the apparatus claim 22 is analyzed with respect to method claim 12.

Claim 23, Seidman (col. 6, lines 40-67, sending user history and preferences to head end) in view of Brunheroto (Fig. 1 and Fig. 3) and Hite shows transmitting the user ratings to the service provider.

Claim 24, the apparatus claim is analyzed with respect to method claim 14.

Claim 25, a machine-readable medium having instruction stored thereon, which when executed by a processor is analyzed with respect to method claim 1.

Claim 26, Seidman (Col. 6, lines 40-67) in view of Brunheroto and Hite further shows receiving rating of the plurality of available for broadcast data files and the plurality of upcoming data files from the one or more client systems;

Seidman in view of Brunheroto and Hite (Fig. 5; Col. 11, lines 45-Col. 12, lines 28) further shows selecting data files from the plurality of upcoming and available for broadcast data files which have higher ratings based on the received ratings;

Seidman (Col. 9, lines 20-45, 57-67; Col 10, lines 1-20, overlapping segments) further shows determining overlapping data files as data files from the selected data files to be broadcast by the broadcast service system; and

Seidman (Col. 9, lines 10-55, displaying the program segment most relative to user interest and suppressing additional segments) further shows eliminating, from the selected data files, the overlapping data files to form a subset of the plurality of available for broadcast data files to be broadcast to the one or more client systems by the service provider.

Claim 28, a machine-readable medium having instruction stored thereon, which when executed by a processor is analyzed with respect to method claim 6.

Claim 29, Seidman (col. 6, lines 40-67, sending user history and preferences to head end) in view of Brunheroto (Fig. 1 and Fig. 3) and Hite further discloses transmit the ratings of the at least one of the plurality of available for broadcast and upcoming data files to the service provider system.

Claim 33, Seidman (col. 9 lines 45-67, storing overlapping segments. Although not specifically stated it is nonetheless inherent that the STB uses memory, or a digital disk to store this data) in view of Brunheroto and Hite (Fig. 5, el. 551; Col. 11, lines 40-Col. 12, lines 28) further disclose place each stored data file in a common repository irrespective of a content provider of the data file, such that a user can access a single location for selecting stored content data files.

Claim 34 is analyzed with respect to claims 1 and 4 in which Seidman further shows a service provider broadcast server (col. 4 lines 30-40, head end with media content), and one or more client systems coupled to the service provider broadcast server (col. 4 lines 30-57, user STB connected to head end), wherein meta-data is broadcast to the one or more client systems, the meta-data including descriptions of a plurality of available for broadcast data files from the service provider broadcast server and a plurality of data files to be broadcast to one or more client system by a broadcast service system (col. 7 lines 34-40, col. 8 lines 16-35, embedded hyperlink data, col. 5 lines 13-22, col. 7 lines 39-55, data describing programming data, col. 9 lines 20-40, plurality of program segments for viewing), wherein the one or more client systems rate, one or more of the plurality of data files described by the meta-data (col. 6 lines 25-52, col. 7 lines 63-67, col. 8 lines 1-11, user ratings and profile of different shows) the content rating table generated responsive to data files previously accessed (col. 5 lines 53-63, storing viewer's previous selections, col. 6 lines 2-8), wherein the one or more client systems transmit, to the service provider broadcast server, the ratings of the plurality of data files (col. 6 lines 40-67, sending user history and preferences to head end).

Claim 35, Hite further discloses the client system selectively store data file broadcast by the broadcast service system based on the content rating table, and the receiving upcoming data files broadcast by the service provider system (Col. 12, lines 13-28).

Claim 36, Seidman (Col. 5, lines 13-22; Col. 6, lines 65-67; Col. 9, lines 45-67; Col. 10, lines 1-6) in view of Brunheroto and Hite (Col. 12, lines 13-28) discloses wherein the client system selectively receive data files from the selected subset of the plurality of available for broadcast and upcoming data files according to a content rating table associated with each respective one of the one or more of client systems.

2. Claim 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman et al. (US 6298482) in view of Brunheroto et al. (US 2002/0087969) and further in view of Hite et al. (US 6002393), and further in view of Brown (US 6611842).

Claim 2, Seidman (Col. 6, lines 40-67) in view of Brunheroto and Hite further shows receiving rating of the plurality of available for broadcast data files and the plurality of upcoming data files from the one or more client systems;

Seidman (Col. 9, lines 20-45, 57-67; Col 10, lines 1-20, overlapping segments) further shows determining overlapping data files as data files from the selected data files to be broadcast by the broadcast service system; and

Seidman (Col. 9, lines 10-55, displaying the program segment most relative to user interest and suppressing additional segments) further shows eliminating, from the selected data files, the overlapping data files to form a subset of the plurality of available for broadcast data files to be broadcast to the one or more client systems by the service provider.

Seidman in view of Brunheroto and Hite does not show selecting data files from the 1st and 2nd plurality of data files, which have higher ratings, based on the received ratings;

Brown (Fig. 4-7; Col. 5, lines 20-Col. 11, lines 61) shows selecting data files from the 1st and 2nd plurality of data files which have higher ratings based on the received ratings; Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman with the ability to choose segments based on higher rating, as taught by Brown, so that user able to receive the most relevant/interest program.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman et al. (US 6298482) in view of Brunheroto et al. (US 2002/0087969) and further in view of Hite et al. (US 6002393), and further in view of Brown (US 6611842), and further in view of Ten Kate et al. (US 6601237).

Claim 3, Seidman (Col. 5, lines 13-22; Col. 6, lines 65-67; Col. 9, lines 45-67; Col. 10, lines 1-6) in view of Brown (Col. 12, lines 25-35) discloses broadcasting a service provider broadcast schedule of the subset of the plurality of available data files prior to broadcasting the subset of the plurality of available for broadcast data files to enable storage thereof by the one or more client systems;

Seidman in view of Brunheroto, Hite and Brown does not clearly disclose "broadcasting a broadcast schedule for the overlapping data files prior to broadcast by the broadcast service system".

Ten Kate shows broadcasting numerous amounts of schedule data pertaining to the program segments and overlapping segments (Col. 1, lines 22-36; Col. 2, lines 5-20; Col. 4, lines 50-67., program schedule data describing parameters of broadcast segments). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman in view of Brunheroto, Hite and Brown with the ability to broadcast numerous amounts of schedule data, as taught by Ten Kate, so that user would be provided with the most relevant data pertaining to a program and allow the system to compare different entries.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman et al. (US 6298482) in view of Brunheroto et al. (US 2002/0087969) and further in view of Hite et al. (US 6002393), and further in view of Ballou. Jr et al. (2002/0112235).

Claim 5, Seidman in view of Brunheroto and Hite fails to show receiving compensation for a stored data file and dividing compensation between the service provider and broadcast service system based on the portion provided.

Ballou shows receiving compensation for a stored data file (page 4 section 0038, receiving ID to charge credit account) and dividing compensation between the content provider and distributor (page 6 section 0063-0064, dividing compensation between distributor and content provider). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman in view

of Brunheroto and Hite with the ability to charge per viewing and divide compensation, as taught in Ballou, so that the multiple providers would receive maximum compensation and the appropriate compensation would go to each.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman et al. (US 6298482) in view of Brunheroto et al. (US 2002/0087969) and further in view of Hite et al. (US 6002393), and further in view of Ali (2002/0199194).

Claim 27, Seidman in view of Brunheroto and Hite shows user ratings and preferences and does not clearly and specifically state that all of the users' rating are combined to form an overall ratings list.

Ali shows combining multiple users' ratings to form an overall ratings list (page 3 section 0027, list of rated items are aggregated with the rated items from many other users into a single list). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman in view of Brunheroto and Hite with the ability to aggregate multiple users' ratings, as shown in Ali, so that suggestions could be made to the user of recommended shows.

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman et al. (US 6298482) in view of Brunheroto et al. (US 2002/0087969) and further in view of Hite et al. (US 6002393), and further in view of Barton et al (6,490,722).

Regarding Claim 30, Although Seidman shows that segments are stored and it is inherent new segments can be stored (col. 9, lines 47-Col.10, lines 15) in view of

Brunheroto and Hite (Fig. 5), the combination of Seidman in view of Brunheroto and Hite fails to specifically state the ability to remove data files stored on a client system once viewed by a user, and replace deleted data files with additional data files broadcast by the service provider system and the broadcast service system.

Barton shows the ability to remove data files stored on a client system once viewed by a user, and replace deleted data files with additional data files broadcast by the service provider system and the broadcast service system (col. 18.1ines 64-67, col. 19 lines 1-7, deleting previously viewed segments and replacing with new segments). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman in view of Brunheroto and Hite with the ability to erase older segments and store new segments, as taught in Barton, so that the user would be supplied with a continuous stream of viewing material.

7. Claims 9-10, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman et al. (US 6298482) in view of Brunheroto et al. (US 2002/0087969) and further in view of Hite et al. (US 6002393), and further in view of Ten Kate et al. (US 6601237), and further in view of Ballou. Jr et al. (2002/0112235).

Regarding Claim 9, Seidman (col. 9 lines 45-67, storing segments and user selecting appropriate segment) in view of Brunheroto and Hite shows receiving a selection for a stored data file.

Seidman in view of Brunheroto and Hite fails to show determining the service provider.

Ten Kate shows the ability to determine information about content provider (col. 4 lines 35-67, SDT listing parameters of service for broadcast stream). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman in view of Brunheroto and Hite with the ability to determine the service provider, as in Ten Kate, so the system would know the source of the stream.

Seidman in view of Brunheroto, Hite and Ten Kate fails to show billing the user a predetermined amount for selection of the stored data based on content provider information.

Ballou shows billing the user a predetermined amount for selection of the stored data based on content provider information (page 4 section 0038, receiving m to charge credit account, page 6 sections 0063-0065, billing according to multiple factors). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman in view of Brunheroto, Hite and Ten Kate with the ability to charge per viewing, as taught by Ballou, so that the multiple providers would receive maximum compensation.

Regarding Claim 10, Seidman in view of Brunheroto and Hite fails to show determining the service provider.

Ten Kate shows the ability to determine information about content provider (col. 4 lines 35-67, SDT listing parameters of service for broadcast stream). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman in view of Brunheroto and Hite with the ability to determine the service provider, as in Ten Kate, so the system would know the source of the stream.

Seidman in view of Brunheroto, Hite and Ten Kate fails to show receiving compensation for a stored data file and dividing compensation between the service provider and broadcast service system based on the portion provided.

Ballou shows receiving compensation for a stored data file (page 4 section 0038, receiving ID to charge credit account) and dividing compensation between the content provider and distributor (page 6 section 0063-0064, dividing compensation between distributor and content provider). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seidman in view of Brunheroto, Hite and Ten Kate with the ability to charge per viewing and divide compensation, as taught in Ballou, so that the multiple providers would receive maximum compensation and the appropriate compensation would go to each.

Claim 31, see analysis of claim 9.

Claim 32, see analysis of claim 10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
07/16/2007


HAI TRAN
PRIMARY EXAMINER